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1155 Avenue of the Americas
New York, New York 10036-2711

In re Application of
WATANABE, Itsuo, et al.
U.S. Application No.: 09/402,274
PCT No.: PCT/JP98/01467
International Filing Date: 31 March 1998
Priority Date: 31 March 1997
Attorney's Docket No.: 7426-0067
For: CIRCUIT-CONNECTING MATERIAL AND
CIRCUIT TERMINAL CONNECTED
STRUCTURE AND CONNECTING METHOD :

DECISION

This decision is issued in response to the "Response To Notification Of A Defective Response" filed on 18 January 2000. No petition fee is required.

BACKGROUND

On 31 March 1998, applicants filed international application PCT/JP98/01467 which claimed a priority date of 31 March 1997 and which designated the United States. On 08 October 1998, a copy of the international application was forwarded to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

On 30 October 1998, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of a copy of the international application (unless previously communicated by the IB) and payment of the basic national fee was extended to expire 30 months from the priority date, i.e., 30 September 1999.

On 30 September 1999, applicants filed a transmittal letter for entry into the national stage in the United States which indicates that it was accompanied by, among other materials, an English translation of the international application and an unexecuted declaration. The transmittal letter noted that the international application had already been transmitted by the IB, and it contained an authorization to charge Deposit Account No. 16-1150 \$1,116 (\$840 as the basic national fee, \$198 for extra total claims, \$78 for extra independent claims).

On 03 December 1999 , the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) and a Notification Of A Defective Oath Or Declaration (Form PCT/DO/EO/917) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required. The Notifications also informed applicants that the failure to submit these materials within one month of the date of the Notifications would result in abandonment of the application.

On 16 December 1999, applicants filed a "Response To Notification Of Missing Requirements" accompanied by an executed declaration and the authorization to charge Deposit Account 16-1150 the required \$130 surcharge.

On 30 December 1999 , the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of A Defective Response (Form PCT/DO/EO/916) and a Notification Of A Defective Oath Or Declaration (Form PCT/DO/EO/917) indicating that the declaration filed on 16 December 1999 was defective. Specifically, the Notifications stated that:

The spelling of the fifth inventor's first name on the declaration "ATSUSHI" does not correspond with the first name "ATSUSI" on the international application.

Again, the Notifications informed applicants that the failure to submit a proper response within one month of the date of the Notifications would result in abandonment of the application.

On 18 January 2000, applicants submitted the "Response To Notification Of A Defective Response" considered herein. In this Response, applicants assert that the fifth inventor's correct name is Atsushi, as set forth in the declaration, and that the spelling in the international application was incorrect.

DISCUSSION

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, applicants' explanation of the difference between inventor Atsushi KUWANO's name in the present declaration and in the published international application is accepted and noted for the record.

CONCLUSION

In light of the acceptance of Atsushi KUWANO as the correct name for the inventor identified in the international application as Atsusi KUWANO, the declaration originally filed on 16 December 1999 is no longer defective. Accordingly, this application has an international filing date of 31 March 1998 under 35 U.S.C. 363 and a date of 16 December 1999 under 35 U.S.C. 102(e) and 371(c).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision, including the issuance of a Notification Of Acceptance (Form PCT/DO/EO/903).



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